

REMARKS

This is in response to the Office Action mailed on October 26, 2006. With this Amendment, claims 1, 8, 17, 24, 31 and 38 are amended.

Claim Rejections - 35 U.S.C. §102

In the Office Action, claims 1-3, 5, 8-10, 12, 15-19, 21, 24-26, 28, 31-33, 35, 38-40, and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Huebsch et al. (U.S. 5,853,422). Specifically, the Office Action states that Huebsch et al. discloses, “an occluding body (10) with a fixed center post (232), and a floating center post (216), a plurality of puller arms (222), first and second support frames (222).” The Office Action also states that Huebsch et al. discloses that, “the floating center is movable proximally from the fixed center when in the compressed shape shown in figure 14, wherein when the body is in the compressed state the fixed center can be pulled out or pushed out away from the floating center.”

With this Amendment, independent claims 1, 8, 17, 24, 31 and 38 have been amended to clarify the position of certain components of the occlusion device, such as the floating center and the center post (or center section), in relation to the overall structure of the occlusion device and with respect to each other. Specifically, claim 1 has been amended to clarify that the occluding body of the occlusion device of the present invention is “attached to a center post that extends to a distal end of the occlusion device” and the floating center of the occlusion device is “located at a proximal end of the occlusion device and connected to the puller arms at a position proximal to the occluding body.” Claim 8 has been amended to clarify that the center section “extends to a distal end of the occlusion device” and the floating center is “positioned proximal to the occluding body, the center section and the plurality of puller arms.” The occlusion device of claim 17 now includes “a center section extending in an axial direction to a distal end of the occlusion device” and “a floating center positioned proximal to the center section and the left and right sheets, and connected to the puller arms.” Claim 24 has been amended to

clarify that the occlusion device includes “a center post extending to a distal end of the occlusion device” and “a floating center positioned proximal to the first and second occluding bodies, the center post, and the plurality of puller arms.” Similarly, claim 31 has been amended to clarify that the occlusion device of the present invention includes “a center post having distal and proximal ends, the center post extending to a distal end of the occlusion device” and “a floating center located on the proximal end of the device, proximal to the center post, the first and second set of support arms and the first and second sheets.” Finally, claim 38 has been amended to clarify that the center post of the occlusion device extends “to a distal end of the occlusion device” and the floating center is “located at a proximal end of the occlusion device, proximal to the center post, the first and second support frames and the first and second sheets.” As a result, independent claims 1, 8, 17, 24, 31 and 38 have essentially been amended to reflect that the floating center and the center post or center section of the present invention are positioned at opposite ends of the occlusion device. In addition, it has been clarified that the floating center post is positioned proximal to other components of the device.

In contrast, both “fixed center post (232)” and “floating center post (216)” described in Huebsch et al. are located at the distal end of the occlusion device. As can be seen with respect to Fig. 16, “floating center post (216)”, which is specifically referred to in the specification as “distal end 216”, is located at the distal end of the occlusion device and is connected to the “puller arms (222)” (i.e. “struts”) at a position distal to the occlusion device. “Fixed center post (232)” is also located at a distal end of the device. Therefore, “fixed center post (232)” and “floating center post (216)” are not positioned at distal and proximal locations on the occlusion device, respectively, as required by independent claims 1, 8, 17, 24, 31 and 38 of the present invention. In addition, “floating center post (216)” is positioned distal to the majority of other components of the Huebsch et al. device, such as “plurality of puller arms (222)” and the left and right sheets. Therefore, the structure of the occlusion device disclosed in Huebsch et al. does not meet all the limitations of independent claims 1, 8, 17, 24, 31 and 38.

As a result, independent claims 1, 8, 17, 24, 31, and 38 are not anticipated by Huebsch et al. Therefore, the rejection under 35 U.S.C. §102(b) should be withdrawn. It is respectfully submitted that claims 1, 8, 17, 24, 31, and 38 are patentable on their own merits and claims 2, 3, 5, 9, 10, 12, 15, 16, 18, 19, 21, 25, 26, 28, 32, 33, 35, 39, 40, and 42 are further allowable since they depend from a patentable independent claim. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

Claim Rejections - 35 U.S.C. §103

In the Office Action, claims 6, 7, 13, 14, 22, 23, 29, 30, 36, 37, 43, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebsch et al., in view of Forber (5,733,294). The Examiner states that Huebsch et al. discloses the invention substantially as claimed but does not disclose that the floating and fixed center posts are constructed of platinum-iridium. Forber discloses fixed and floating center posts constructed of platinum-iridium.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art. M.P.E.P. 2143.01, citing In re Fine, 5 USPQ2d 1596 (CAFC 1988) and In re Jones, 21 USPQ 1941 (CAFC 1992). In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As described in detail above, independent claims 1, 8, 17, 24, 31, and 38 (from which claims 6, 7, 13, 14, 22, 23, 29, 30, 36, 37, 43, and 44 depend) of the present invention have been amended to further clarify the position of certain components of the occlusion device in relation to the overall structure of the occlusion device and with respect to each other. Huebsch et al. does not describe the invention as defined in the amended claims and Forber does not provide the missing

disclosure. It is, therefore, respectfully submitted that the rejections under 35 U.S.C. § 103 should be withdrawn.

With the above amendments and discussion, claims 1-3, 5-10, 12-19, 21-26, 28-33, 35-40 and 42-44 are now in condition for allowance, and notice to the effect is requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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1/26/07

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